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5 || Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT JUNEAU**

8 COREEN RENEE NOBLE and ROBERT )  
9 NOBLE, )  
10 )  
11 Plaintiffs, )  
12 )  
13 vs. )  
14 )  
UNITED STATES OF AMERICA, )  
15 )  
16 Defendant. ) Case No. )

## **COMPLAINT FOR PERSONAL INJURIES**

COME NOW the Plaintiffs, COREEN RENEE NOBLE and ROBERT NOBLE, by and through Mark Choate of the Choate Law Firm, LLC, and for causes of action against the Defendants, UNITED STATES OF AMERICA, on behalf of DEPARTMENT OF HEALTH & HUMAN SERVICES, INDIAN HEALTH SERVICES, SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM, and allege:

## JURISDICTION

22       1. With respect to all claims, this Court has subject matter jurisdiction pursuant to  
23 25 U.S.C. §450f(d). The amount in controversy is in excess of \$75,000.00 exclusive of  
24 interest and costs. At all times relevant herein Plaintiffs COREEN RENEE NOBLE and  
25 ROBERT NOBLE were and are husband and wife and were residents of Kake, Alaska.

2. SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM, (hereinafter  
SEARHC) is, and at all times mentioned herein, a non-profit Alaska Native tribal health care

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organization established in 1975 under the provisions of the Indian Self-Determination Act. SEARHC is engaged in the business of operating a health care clinic for the purposes of providing medical care and treatment to American Indians and Alaska Natives in Kake, Alaska, including plaintiff COREEN RENEE NOBLE.

3. SEARHC was, at all times relevant to this case, carrying out a contract under P.L. 93-638. Marcia Aceveda, CHP, was at all times relevant to this case, acting within the scope of her employment with SEARHC. As such, she is deemed to be an employee of the United States under 25 U.S.C. § 450f(d). *See also*, Federal Tort Claims Act, 28 U.S.C. § 1346(b); § 8.04[2][a]. The plaintiffs reside in the above judicial district, and the act and omissions herein complained of occurred in said judicial district.

10       4. All jurisdictional prerequisites to bringing this action have been satisfied in  
11 accordance with the Federal Tort Claims Act § 2675(a). On January 13, 2006, Plaintiff filed  
12 Standard Form 95, *Claim for Damage, Injury, or Death* with the United States Department of  
13 Health & Human Services, Indian Health Services and the Indian Health Service Claims  
14 Branch. This claim was denied via certified mail on August 29, 2006. It has been less than 6  
15 months since Plaintiff's administrative claim was denied.

**FIRST CAUSE OF ACTION**  
**(Medical Negligence)**

18       5. Plaintiffs re-allege and incorporate herein by reference each and every allegation  
19 contained in paragraphs 1 through 4 above.

6. In the months and years preceding January, 2004, Plaintiff COREEN RENEE NOBLE was a patient of SEARHC for matters of general medical care for which she received treatment from the Defendants SEARHC, its employees, agents and doctors.

23       7. On or between January 21-22, 2004, Plaintiff COREEN RENEE NOBLE contacted  
24 SEARHC's Clinic at Kake, for symptoms, including but not limited to, her eye feeling raw,  
25 draining for two days, pain, stinging, possible fever, sore throat, cough and body aches for  
which she received treatment from the Marcia Aceveda, CHP, and other employees.

8. During the above-described period and through the present, despite the presence of obvious and overwhelming symptoms and circumstances, the health care providers designated hereinabove negligently failed to exercise the proper degree of knowledge and skill in the examination, diagnoses, treatment and care provided to COREEN RENEE NOBLE such that she developed Stevens Johnson syndrome.

9. In addition, after suffering the devastating effects of Stevens-Johnson Syndrome, the defendant and its employees failed to properly treat and care for Plaintiff, COREEN RENEE NOBLE, resulting in further harm including the total loss of vision in her left eye and 90% loss of vision in her right eye.

10. As a direct and legal result of the negligence of said defendants, and each of them, Plaintiff COREEN RENEE NOBLE suffered severe, disfiguring and permanent physical and emotional injuries, including negligent infliction of emotional distress (NIED), arising from contracting Stevens Johnson Syndrome and defendant's subsequent failure to properly treat her.

11. As a further direct and legal result of said negligence and carelessness of the defendants, and each of them, Plaintiff COREEN RENEE NOBLE has incurred medical, hospital and incidental expenses in an amount to be proven at time of trial.

12. As a further direct and legal result of said negligence and carelessness of the defendants and each of them, Plaintiff COREEN RENEE NOBLE has sustained the following damages, any, some, or all of which are permanent, to wit:

- a) Bodily injury;
- b) Pain and suffering;
- c) Disability;
- d) Disfigurement;
- e) Loss of capacity for the enjoyment of life;
- f) Inconvenience;
- g) Loss of earnings and earning capacity;
- h) Medical expenses.

**SECOND CAUSE OF ACTION**  
**(Loss of Consortium)**

13. Plaintiffs re-allege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 12 above.

14. As a direct and legal result of the negligence of said defendants, and each of them, Plaintiff, ROBERT NOBLE, has been deprived of the care, comfort, society, companionship, affection and support of his wife, all to his general damage in an amount in excess of the minimal jurisdictional limits of this court.

WHEREFORE, Plaintiffs, COREEN RENEE NOBLE, and ROBERT NOBLE, demand judgment against Defendant, UNITED STATES OF AMERICA, for damages in the amount of Five Million Dollars (\$5,000,000.00) exclusive of interest and costs.

DATED this 27th day of February, 2007, at Juneau, AK.

Respectfully submitted,  
CHOATE LAW FIRM LLC

s/Mark Choate

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